

SIXTY-NINTH DAY
(Thursday, May 8, 1975)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: McKnight.

A quorum was announced present.

Father John E. Driscoll, Cristo Rey Catholic Church, Austin, Texas, offered the invocation as follows:

A PRAYER FOR POLITICIANS: Lord, I must say at the start that if there's one profession that has a bad reputation, it's politics. And that's a bad situation if you ask me' (I know You didn't ask me, but I thought I'd share that anyway.)

Lord, rather than having people look suspiciously at politicians, why don't more of our good-type citizens enter this field? People in politics are no better or worse than any other profession. But it is sad that so many politicians who are trying to do a good job are ridiculed because of a few.

Help us to pray for our politicians, Lord. Help us to help them do the best job they can. Help us to look positively on their great responsibilities. And help us to change the image we have given them.

And while we're praying, Lord, maybe we can also get some action going. Maybe we can write our congressmen and give them a vote of confidence. Maybe we can volunteer to work for our local mayor. Maybe we can consider taking an active role in government ourselves.

We have the power to change the image of the politician, Lord. And in so doing we might also change some of the priorities and views of the men that are in these positions.

We really do have power to change a lot of things, Lord. Just help us to realize this, and power us to encourage and enable those in various offices to do the best job they can as they keep people as priorities'

Help us to make the earthly kingdoms a little more heavenly, Lord.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator McKnight was granted leave of absence for today on account of illness on motion of Senator Moore.

REPORTS OF STANDING COMMITTEES

Senator Sherman submitted the following reports for the Committee on Natural Resources:

S.B. 1054
H.C.R. 98
S.B. 628
S.B. 1065
S.B. 658
H.B. 2095
H.B. 329
H.C.R. 52
H.C.R. 33
H.B. 2165
S.B. 538 (Amended) (Ordered not printed)
C.S.H.B. 552 (Read first time)
C.S.H.B. 321 (Read first time)

Senator Schwartz submitted the following reports for the Committee on Jurisprudence:

H.B. 224
H.B. 1738
H.B. 1105
H.B. 207

Senator Snelson submitted the following reports for the Committee on Intergovernmental Relations:

S.B. 1056 (Amended)
S.B. 1055
H.B. 860
S.B. 581
S.B. 1040 (Amended)
S.B. 1076
H.B. 951
H.B. 830
S.B. 1083 (Amended)
H.B. 1567
H.B. 1941
S.B. 856
C.S.S.B. 190 (Read first time)

Senator Mauzy submitted the following reports for the Committee on Education:

C.S.S.B. 1034 (Read first time)
C.S.S.B. 980 (Read first time)

Senator Kothmann, Vice-Chairman, submitted the following reports for the Committee on State Affairs:

S.B. 1081
S.B. 619 (Amended)
S.B. 812
S.B. 987 (Amended)

SENATE BILL 987 ORDERED NOT PRINTED

On motion of Senator Ogg and by unanimous consent, **S.B. 987** was ordered not printed.

SENATE BILL 538 ORDERED NOT PRINTED

On motion of Senator Jones and by unanimous consent, **S.B. 538** was ordered not printed.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 679

Senator Adams submitted the following Conference Committee Report:

Austin, Texas
May 7, 1975

The Honorable William P. Hobby
President of the Senate

The Honorable Bill Clayton
Speaker of the House of Representatives

Sirs:

We, your Conference Committee appointed to adjust the differences between the House and Senate on **H.B. 679** have met and adjusted our differences and beg leave to recommend that it be passed in the form attached hereto.

Respectfully submitted,

ADAMS
LONGORIA
TRAEGER
GAMMAGE
On the part of the Senate

SCHIEFFER
WYATT
DENSON
WEDDINGTON
OLSON
On the part of the House

The Conference Committee Report was read and was filed with the Secretary of the Senate.

REPORT OF SELECT COMMITTEE

Senator Harrington submitted the following report:

Austin, Texas
May 7, 1975

Honorable Dolph Briscoe, Governor

Honorable William P. Hobby, President of the Senate
Honorable Bill Clayton, Speaker of the House of Representatives

Sirs:

We, your Committee appointed pursuant to Senate Concurrent Resolution 11, to select a Poet Laureate for the State of Texas, have selected Mrs. Ethel Osborn Hill of Port Arthur to be Poet Laureate of the State of Texas, to serve from May 15, 1975, to May 15, 1976, and Mrs. Florice Stripling Jeffers of Burkburnett to be Poet Laureate of the State of Texas, to serve from May 15, 1976, to May 15, 1977.

The Committee also selected Dr. Gene Shuford of Denton as alternate Poet Laureate for the period of May 15, 1975, to May 15, 1976, and Mrs. Vera L. Eckert of San Angelo as alternate Poet Laureate during the period May 15, 1976, to May 15, 1977.

Respectfully submitted,

Robert L. Hardesty
On the Part of the Governor

Senator D. Roy Harrington
On the Part of the Senate

Senator Don Adams
On the Part of the Senate

Representative Herman Adams
On the Part of the House

Representative Dave Allred
On the Part of the House

The report was read and was filed with the Secretary of the Senate.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read:

Austin, Texas
May 6, 1975

The Honorable Charles Schnabel
Secretary of the Senate
Capitol Station
Austin, Texas

Dear Mr. Secretary:

In a letter dated April 29, 1975, Mr. Andrew L. Smith II requests the withdrawal of his nomination to the Polygraph Examiners Board. Therefore, I respectfully request the return by the Senate of Mr. Smith's name which was submitted to you for confirmation.

Sincerely,
DOLPH BRISCOE
Governor of Texas

There being no objection, the request was granted and the nomination of Andrew L. Smith II to be a Member of the Polygraph Examiners Board was returned to the Governor.

HOUSE BILL 1022 ON SECOND READING

The President laid before the Senate on its second reading and passage to third reading:

H.B. 1022, A bill to be entitled An Act relating to the deer season and the quail season in Upshur County; amending Section 2, Chapter 589, Acts of the 59th Legislature, Regular Session, 1965, as amended; amending Section 1, Chapter 160, Acts of the 52nd Legislature, Regular Session, 1951, as amended; and declaring an emergency.

The bill was read second time.

Question - Shall **H.B. 1022** be passed to third reading?

HOUSE BILL 276 ON SECOND READING

Senator Hance asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

H.B. 276, A bill to be entitled An Act amending Title 1 of the Family Code, etc.; and declaring an emergency.

There was objection.

Senator Hance then moved to suspend the regular order of business and take up **H.B. 276** for consideration at this time.

The motion prevailed by the following vote: Yeas 22, Nays 8.

Yeas: Adams, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Kothmann, Lombardino, Longoria, Meier, Moore, Santiesteban, Sherman, Snelson, Traeger and Williams.

Nays: Aikin, Jones, Mauzy, McKinnon, Mengden, Ogg, Patman and Schwartz.

Absent-excused: McKnight.

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

RECORD OF VOTES

Senators Gammage, Brooks, Schwartz, Mauzy, Patman, Harrington, McKinnon, Ogg, Aikin, Longoria, Clower and Jones asked to be recorded as voting "Nay" on the passage of the bill to third reading.

HOUSE BILL 284 ON SECOND READING

On motion of Senator Andujar and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 284, A bill to be entitled An Act relating to the elements and prosecution of certain sexual offenses; etc.; and declaring an emergency.

The bill was read second time and was passed to third reading.

HOUSE BILL 284 ON THIRD READING

Senator Andujar moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 284** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: McKnight.

HOUSE BILL 398 ON SECOND READING

On motion of Senator Ogg and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 398, A bill to be entitled An Act relating to the establishment, jurisdiction, and operation of municipal courts of record in any city with a population of more than 1,200,000 as determined by the last preceding federal census and providing for

municipal judges and other personnel of the courts; prescribing the appeals from municipal courts of record; providing an effective date; and declaring an emergency.

The bill was read second time.

Senator Ogg offered the following Committee Amendment to the bill:

Amend **H.B. 398** by striking after the word "proceedings" in Section 12, line 6, page 8 the following:

" , all of which shall be at no cost to the defendant".

The Committee Amendment was read and was adopted.

On motion of Senator Ogg and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was read second time and was passed to third reading.

HOUSE BILL 398 ON THIRD READING

Senator Ogg moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 398** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Hance, Meier, Braecklein, Mauzy, McKinnon, Adams and Clower asked to be recorded as voting "Nay" on the final passage of the bill.

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, May 8, 1975

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 1097, A bill to be entitled An Act relating to apportionment of the state into representative districts; repealing Chapter 351, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 195a, Vernon's Texas Civil Statutes); repealing Chapters 733 and 808, Acts of the 61st Legislature, Regular Session, 1969 (Articles 195a-1 and 195a-2, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 1580, A bill to be entitled An Act relating to county parks; amending Section 1, Chapter 478, Acts of the 55th Legislature, 1st Called Session, 1957, as amended (Article 6079e, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 820, A bill to be entitled An Act relating to creation of a state personnel system and a state personnel board having powers, duties, and functions regarding employment policies and practices of certain state agencies; prescribing unlawful employment practices and providing penalties and other remedies; repealing the Position Classification Act of 1961 (Article 6252-11, Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 1925, A bill to be entitled An Act relating to the requiring of an annual license to sell property at auction; prohibiting the sale of property at auction without a license; prohibiting the advertising or holding out as an auctioneer or the solicitation for consignments, bailments or other transfers of property for the purpose of selling same at auction without a license; and providing penalties therefor; exempting certain transactions; providing for license fees; and providing for the issuance of licenses by the commissioner of the Texas Department of Labor and Standards; repealing Section (1) of Article 19.01, Chapter 19, Title 122A, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

H.B. 475, A bill to be entitled An Act relating to the creation of the Commission on Efficiency and Economy in Government and its powers, duties, and procedures; and declaring an emergency.

H.B. 431, A bill to be entitled An Act revising the Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes); and declaring an emergency.

H.B. 299, A bill to be entitled An Act placing limits on the amount of campaign expenditures on behalf of candidates for certain offices; fixing civil and criminal penalties for violations; amending the Texas Election Code by adding Section 239a; and declaring an emergency.

H.B. 1535, A bill to be entitled An Act relating to the valuation of open-space land used to support the raising of livestock or produce farm crops or forest products; the determination of a capitalization rate; disqualification and penalty; stating an effective date; and declaring an emergency.

H.C.R. 138, Requesting the Governor to return **H.B. 1293** and **H.B. 1388** to the House of Representatives for further consideration.

H.C.R. 139, Requesting the Governor to sign **S.B. 90**.

H.B. 246, A bill to be entitled An Act relating to the appointment of a jail administrator in certain counties; amending Subsection (c), Article 5116, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency. (Failed of engrossment by the record vote 46 Ayes, 51 Nays, and 29 Present-Not voting. The

motion to reconsider the vote by which **H.B. 246** failed engrossment prevailed, and **H.B. 246** again failed of engrossment by record vote of 46 Ayes, 67 Nays, and 20 Present-Not voting.)

H.B. 1817, A bill to be entitled An Act relating to the regulation of the sale of certain handguns; providing a penalty; and declaring an emergency. (Tabled by a record vote of 80 Ayes, and 53 Nays.)

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

HOUSE CONCURRENT RESOLUTION 139 ON SECOND READING

The President laid before the Senate the following resolution:

H.C.R. 139, Requesting the Governor to sign **S.B. 90**.

The resolution was read second time.

On motion of Senator Moore the resolution was considered immediately and was adopted.

RECORD OF VOTES

Senators Farabee and Patman asked to be recorded as voting "Nay" on the adoption of the resolution.

BILL SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bill:

S.B. 90

HOUSE BILLS POSTPONED

On motion of Senator Adams and by unanimous consent, consideration of all House Bills on the Calendar was postponed until Friday, May 9.

BILLS AND RESOLUTION SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bills and resolution:

S.B. 151

S.B. 382

S.B. 429

S.B. 509

H.B. 393

H.B. 605

H.C.R. 133

SENATE BILL 96 ON SECOND READING

The President laid before the Senate as unfinished business **S.B. 96** with an amendment to the Committee Amendment pending.

Question - Shall the amendment to the Committee Amendment be adopted?

The amendment to the Committee Amendment was adopted.

RECORD OF VOTES

Senators Clower, Gammage, McKinnon, Meier, Mauzy, Longoria, Braecklein, Harrington, Doggett and Brooks asked to be recorded as voting "Nay" on the adoption of the amendment.

Senator Creighton raised the Point of Order that **S.B. 96** was an appropriations bill and could not be considered by the Senate until after the General Appropriations Bill has passed.

The President overruled the Point of Order, stating:

"Although Senate Bill 96 does not specifically appropriate state money for purposes of funding the bilingual education program provided in the bill, an argument may be made that because of the traditionally 'automatic' nature of the funding pattern for the Texas public school system the bill indirectly appropriates state funds. The Chair finds it unnecessary to rule on this question.

"Even if it is possible to construe Senate Bill 96 as a bill that 'directly or indirectly' appropriates money from the state treasury, prevents money from entering the treasury, transfers money between funds, or requires certification by the Comptroller under Article III, Section 49a of the Constitution, there is no provision of the Constitution of Texas or the rules of the 64th Legislature to prevent consideration of the bill at this time.

"If Senate Bill 96 is construed to be a bill that effects any of the preceding purposes, it is subject to the provisions of Joint Rule 21. Joint Rule 21 requires that bills subject to the rule may not be signed by the presiding officer of the House or Senate until after the General Appropriations Bill has been signed and transmitted to the Comptroller. But the rule specifically provides that bills subject to the rule shall be considered for passage as any other bill. For these reasons the Point of Order is respectfully overruled."

The Committee Amendment as amended was then adopted by the following vote: Yeas 23, Nays 7.

Yeas: Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Gammage, Hance, Harrington, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Adams, Creighton, Harris, Jones, Meier, Mengden and Moore.

Absent-excused: McKnight.

On motion of Senator Ogg and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was then passed to engrossment.

RECORD OF VOTE

Senator Meier asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

HOUSE CONCURRENT RESOLUTION 138 ON SECOND READING

The President laid before the Senate the following resolution:

H.C.R. 138, Requesting the Governor to return **H.B. 1293** and **H.B. 1388** to the House of Representatives for further consideration.

The resolution was read second time.

On motion of Senator Creighton and by unanimous consent, the resolution was considered immediately and was adopted.

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, May 8, 1975

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House refused to concur in Senate amendments to House Bill 365 and has requested the appointment of a Conference Committee to consider the differences between the two Houses. House Conferees: Kaster, Chairman; Agnich, Donaldson, Fox, Peveto.

All necessary rules suspended, and the House concurred in Senate amendments to House Bill 341 by a non-record vote.

All necessary rules suspended, and the House concurred in Senate amendments to House Bill 159 by a non-record vote.

All necessary rules suspended, and the House concurred in Senate amendments to **H.C.R. 34** by a non-record vote.

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

SENATE BILL 616 ON SECOND READING

On motion of Senator Jones and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading

and passage to engrossment:

S.B. 616, A bill to be entitled An Act relating to regulation of the labeling, distribution, storage, use, and disposal of pesticides; requiring registration of pesticides; providing for licensing of pesticide dealers; providing for licensing and certification of persons who apply pesticides; providing a penalty; repealing Chapter 349, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 135b-4, Vernon's Texas Civil Statutes), and the Insecticide, Fungicide, and Rodenticide Act of Texas, as amended (Article 135b-5, Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time.

Senator Jones offered the following Committee Amendment to the bill:

Amend **S.B. 616**, Section 2, line 30, page 6, by deletion of the period and the addition of the following:

"except manufacturers and formulators of pesticides who do not sell directly to the user".

The Committee Amendment was read and was adopted.

Senator Jones offered the following Committee Amendment to the bill:

Amend **S.B. 616**, Section 8 (b), line 24, by deletion of the words "distribution or".

The Committee Amendment was read and was adopted.

Senator Jones offered the following Committee Amendment to the bill:

Amend **S.B. 616**, Section 9 (a), line 17, by deletion of the period after the word "herbicide" and adding a semicolon and the following:

"provided, however, any county or parts of counties now regulated by Article 135 b-4 VACS, Chapter 349, Acts of the 53rd Legislature, Regular Session, 1953, as amended, shall continue under such regulation until changed by the Commissioners Court of such county".

The Committee Amendment was read and was adopted.

Senator Jones offered the following Committee Amendment to the bill:

Amend **S.B. 616**, Section 14 (a) (3), page 20, line 18, by addition of the following:

"provided that an applicator may after acquiring such an unbroken container, open and transport the open container to and from application and storage sites as necessary;"

The Committee Amendment was read and was adopted.

Senator Jones offered the following Committee Amendment to the bill:

Amend **S.B. 616**, Section 14, pages 20 and 21, by deletion of Section b (1) and renumbering of the subsections of Subsection (b).

The Committee Amendment was read and was adopted.

Senator Jones offered the following Committee Amendment to the bill:

Amend **S.B. 616**, Section 16 (a), line 6, by the addition of the following:

"This agency shall have the responsibility for the coordinating, planning and approving of training programs and shall utilize the resources of the State, both private and public, including but not limited to State Universities, Colleges, Junior College and Community Colleges as well as the Texas A&M Extension Service and Experiment Stations. The Agency shall make all plans in this area on the basis of convenience to applicants, thoroughness of preparation and testing and maximum economy in expenditures for this purpose. The Agency may make full use of authorizations contained in Section 32 of this Act in carrying out these provisions."

The Committee Amendment was read and was adopted.

Senator Jones offered the following Committee Amendment to the bill:

Amend **S.B. 616**, Section 25, line 27, by the insertion of the words "except private applicators" between the word "licensees" and the word "to".

The Committee Amendment was read and was adopted.

On motion of Senator Jones and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 616 ON THIRD READING

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 616** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

EXECUTIVE SESSION

The President announced that the time had arrived for an Executive Session of the Senate. (Senator McKinnon having given notice on yesterday.)

Senator Mauzy moved that Senate Rule 41 be suspended in order to consider nominations scheduled for today in open session.

The motion was lost by the following vote: Yeas 14, Nays 16.

Yeas: Aikin, Braecklein, Brooks, Clower, Doggett, Gammage, Hance, Harrington, Longoria, Mauzy, Patman, Santiesteban, Schwartz and Sherman.

Nays: Adams, Andujar, Creighton, Farabee, Harris, Jones, Kothmann, Lombardino, McKinnon, Meier, Mengden, Moore, Ogg, Snelson, Traeger and Williams.

Absent-excused: McKnight.

Accordingly, the President at 11:00 o'clock a.m. directed all those not entitled to attend the Executive Session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the Executive Session, the President called the Senate to order As In Legislative Session at 11:25 o'clock a.m. today.

Senator McKinnon moved confirmation of the nominees reported by the Committee on State Affairs, Sub-Committee on Nominations and considered in Executive Session.

The President asked if there were motions to sever nominees.

There were no motions offered.

The following nominees were then confirmed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: McKnight.

NOMINEES CONFIRMED

Commissioner, Texas Department of Labor and Standards: For a two-year term to expire February 1, 1977: Mr. Jackie St. Clair of Austin, Travis County is being reappointed.

Members, State Board of Chiropractic Examiners: For a six-year term to expire August 3, 1979: Dr. Charles E. Courtion of San Angelo, Tom Green County is being reappointed; Dr. Ronald M. Garrett of Waco, McLennan County is replacing Dr. Melvin Garrett of Waco whose term expired; Dr. John F. Stewart, Jr. of Giddings, Lee County is replacing Dr. S. M. Elliott of Dayton whose term expired.

Members, Board of Trustees of the Texas County and District Retirement System: For a six-year term to expire December 31, 1975: The Honorable Roy Orr of DeSoto, Dallas County is replacing Judge W. L. Sterrett of Dallas who resigned.

For a six-year term to expire December 31, 1979: The Honorable Raymon Q. Thompson of Graham, Young County is being reappointed; Mr. Wilburn Rust of Austin, Travis County is replacing Mr. F. S. Walters, Jr. of Amarillo whose term expired; Mr. Carl S. Smith of Houston, Harris County is being reappointed.

Members, Credit Union Commission: For a six-year term to expire February 15, 1979: Mr. Jack A. Mitchell of Dallas, Dallas County is replacing Mr. Pete G. Gooch of Fort Worth whose term expired; Mr. Billy F. Spivey of Austin, Travis County is replacing Mr. R. C. Morgan of El Paso whose term expired.

For a six-year term to expire February 15, 1981: Mr. Walter V. Duncan of Richardson, Dallas County is being reappointed; Mr. Russell M. Irving of Beaumont, Jefferson County is replacing Ms. Bessie Heard of Houston whose term expired.

Member, Greater South Texas Cultural Basin Commission: For a two-year term to expire August 27, 1975: Mr. Jose Villarreal of Dallas, Dallas County is being appointed pursuant to Article 4413 (32d), V.A.C.S.

Members, State Board of Health: For a six-year term to expire June 12, 1979: Dr. Robert D. Moreton of Houston, Harris County is being reappointed; Mr. Royce E. Wisenbaker of Tyler, Smith County is being reappointed.

Members, State Board of Medical Examiners: For a six-year term to expire April 13, 1979: Dr. Joe T. Gilbert of Austin, Travis County is replacing Dr. H. A. Barnett of Houston who is deceased; Dr. Robert B. Harris of Houston, Harris County is replacing Dr. Merle W. Delmer of San Antonio whose term expired; Dr. Howard R. Coats of Tyler, Smith County is being reappointed; (Dr. Coats served from October 23, 1973 until his death on April 8, 1974.); Dr. Nicholas G. Palmarozzi of Groves, Jefferson County is replacing Dr. Howard R. Coats of Tyler who is deceased; Dr. Carlos D. Godinez of McAllen, Hidalgo County is replacing Dr. D. Clifford Burross of Wichita Falls whose term expired.

Members, Board of Trustees of the Municipal Retirement System: For a six-year term to expire December 31, 1980: Mr. Clyde C. McCollough, Jr. of San Antonio, Bexar County is being reappointed; Mr. Sterling K. Miller, Sr. of Lubbock, Lubbock County is being reappointed.

For a six-year term to expire December 31, 1978: Mr. William Andrew Puetz, Jr. of Temple, Bell County is replacing Mr. R. G. Muckleroy of Nacogdoches who resigned.

Members, Texas Commission for Rehabilitation: For a six-year term to expire August 31, 1979: Dr. Clifford S. Knappe of Waco, McLennan County is being reappointed; Dr. James H. Sammons of Baytown, Harris County is being reappointed; (Dr. Sammons served from December 7, 1973 to May 22, 1974.); Dr. J. E. Miller of Dallas, Dallas County is replacing Dr. James H. Sammons of Baytown who resigned.

Members, School Land Board: For a two-year term to expire August 29, 1975: Mr. Fred Wulff of Brady, McCullough County is replacing Mr. Louis F. Shanks of Austin whose term expired; Mr. Stuart M. Long of Austin, Travis County is being reappointed.

Member, Veterans Land Board: For a four-year term to expire December 29, 1978: Mr. Henry H. Cannady of Port Arthur, Jefferson County is being reappointed.

Member, Texas College and University System Coordinating Board: For a six-year term to expire August 31, 1975: Mr. R. Paul Teague, Sr. of Texas City, Galveston County is replacing Mr. Loren Bryce Meaders of Dallas who resigned.

Members, Board of Regents of Pan American University: For a six-year term to expire August 31, 1979: Mr. Leonel Garza, Sr. of Brownsville, Cameron County is being reappointed; Mr. Morris Atlas of McAllen, Hidalgo County is being reappointed;

Mr. Ruben R. Cardenas of McAllen, Hidalgo County is replacing Mr. Lou Hassell of Houston whose term expired.

Member, Board of Regents of State Senior Colleges: For a six-year term to expire January 10, 1981: Mr. Bernard G. Johnson of Houston, Harris County is being reappointed.

Member, Board of Directors of the Texas Turnpike Authority: For a six-year term to expire February 15, 1979: Mr. Durwood A. Sutton of Grand Prairie, Dallas County is replacing Mr. Marshall H. Warder of Grand Prairie whose term expired.

SENATE BILL 612 ON THIRD READING

Senator Traeger asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 612, A bill to be entitled An Act relating to activities which are permitted without a plumbing license; amending Section 2 by adding Subsection (g), and amending Section 3, Plumbing License Law of 1947 (Article 6243-101, Vernon's Texas Civil Statutes); and declaring an emergency.

There was objection.

Senator Traeger then moved to suspend the regular order of business and take up **S.B. 612** for consideration at this time.

The motion prevailed by the following vote: Yeas 20, Nays 10.

Yeas: Adams, Aikin, Andujar, Creighton, Doggett, Farabee, Hance, Harris, Jones, Lombardino, Longoria, McKinnon, Meier, Mengden, Moore, Ogg, Santiesteban, Sherman, Snelson and Traeger.

Nays: Braecklein, Brooks, Clower, Gammage, Harrington, Kothmann, Mauzy, Patman, Schwartz and Williams.

Absent-excused: McKnight.

The President laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 19, Nays 11.

Yeas: Adams, Aikin, Andujar, Creighton, Farabee, Hance, Harris, Jones, Lombardino, Longoria, McKinnon, Meier, Mengden, Moore, Ogg, Santiesteban, Sherman, Snelson and Traeger.

Nays: Braecklein, Brooks, Clower, Doggett, Gammage, Harrington, Kothmann, Mauzy, Patman, Schwartz and Williams.

Absent-excused: McKnight.

SENATE BILL 199 ON SECOND READING

On motion of Senator Clower and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 199, A bill to be entitled An Act relating to creation of the constitutional office of Criminal District Attorney of Ellis County; abolishing the office County Attorney of Ellis County; relating to compensation to the county; and declaring an emergency.

The bill was read second time.

Question - Shall the bill be passed to engrossmen:?

COMMITTEE SUBSTITUTE SENATE BILL 1048 ON SECOND READING

Senator Gammage moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 1048, A bill to be entitled An Act relating to methods of publicizing proposed amendments contained in Senate Joint Resolution 11, as passed in the Regular Session of the 64th Legislature; and declaring an emergency.

The motion prevailed by the following vote: Yeas 22, Nays 8.

Yeas: Adams, Aikin, Andujar, Brooks, Clower, Doggett, Farabee, Gammage, Hance, Harrington, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Braecklein, Creighton, Harris, Jones, Mengden, Moore, Ogg and Patman.

Absent-excused: McKnight.

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment by the following vote: Yeas 22, Nays 8.

Yeas: Adams, Aikin, Andujar, Brooks, Clower, Doggett, Farabee, Gammage, Hance, Harrington, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Braecklein, Creighton, Harris, Jones, Mengden, Moore, Ogg and Patman.

Absent-excused: McKnight.

COMMITTEE SUBSTITUTE SENATE BILL 1048 ON THIRD READING

Senator Gammage moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1048** be

placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 6.

Yeas: Adams, Aikin, Andujar, Brooks, Clower, Doggett, Farabee, Gammage, Hance, Harrington, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Braecklein, Creighton, Harris, Jones, Mengden and Moore.

Absent-excused: McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 22, Nays 8.

Yeas: Adams, Aikin, Andujar, Brooks, Clower, Doggett, Farabee, Gammage, Hance, Harrington, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Braecklein, Creighton, Harris, Jones, Mengden, Moore, Ogg and Patman.

Absent-excused: McKnight.

HOUSE BILL 276 ON THIRD READING

Senator Hance moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 276** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 6.

Yeas: Adams, Andujar, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Lombardino, Longoria, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Sherman, Snelson, Traeger and Williams.

Nays: Aikin, Braecklein, Kothmann, Mauzy, McKinnon and Schwartz.

Absent-excused: McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and failed of final passage by the following vote: Yeas 11, Nays 19.

Yeas: Adams, Andujar, Creighton, Doggett, Farabee, Hance, Harrington, Harris, Lombardino, Meier and Santiesteban.

Nays: Aikin, Braecklein, Brooks, Clower, Gammage, Jones, Kothmann, Longoria, Mauzy, McKinnon, Mengden, Moore, Ogg, Patman, Schwartz, Sherman,

Snelson, Traeger and Williams.

Absent-excused: McKnight.

**MOTION TO RECONSIDER VOTE BY WHICH
HOUSE BILL 276 FAILED TO PASS SPREAD ON JOURNAL**

Senator Moore moved to reconsider the vote by which **H.B. 276** failed to finally pass and the motion to reconsider was Spread Upon the Journal.

RECESS

On motion of Senator Aikin the Senate at 11:55 o'clock a.m. took recess until 1:30 o'clock p.m. today.

AFTER RECESS

The Senate met at 1:30 o'clock p.m. and was called to order by the President.

LEAVE OF ABSENCE

Senator Farabee was granted leave of absence for the remainder of today on account of important business on motion of Senator Sherman.

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, May 8, 1975

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 249, A bill to be entitled An Act relating to conditions and restrictions placed on certain persons handling funds of certain insurance companies; amending Chapter 21, Insurance Code, as amended, by adding Article 21.39-B; repealing Article 3.14, Insurance Code, as amended; and declaring an emergency. (With amendments)

S.B. 86, A bill to be entitled An Act relating to the licensing of cosmetologists; amending Chapter 1036, Acts of the 62nd Legislature, Regular Session, 1971, as amended (Article 8451a, Vernon's Texas Civil Statutes), by amending Section 1, Subsections (c) and (d) of Section 13, Subsection (c) of Section 14, Subsection (c) of Section 15, Subsections (c) and (d) of Section 16, Subsections (c) and (d) of Section 17, Subsections (a) and (d) of Section 18, Section 21, Subsections (a) and (d) of Section 38, Section 40, and Subsection (c) of Section 46, and by adding Sections 15A and 18A; and declaring an emergency. (With amendments)

S.B. 59, A bill to be entitled An Act relating to prohibiting the smoking of tobacco in certain public places; amending Title 10, Penal Code, by adding a Chapter 48; providing penalties; and declaring an emergency. (With amendments)

S.B. 519, A bill to be entitled An Act relating to the Governor's Energy Advisory Council and Advisory Committee; and declaring an emergency. (With

amendments)

S.B. 440, A bill to be entitled An Act amending Section 13 of Chapter 186, Acts of the 39th Legislature, 1925, Regular Session, as the same has heretofore been amended; providing a method by which percentages retained from partial payment under state highway contracts may be placed in escrow until the entire work has been completed; providing a severability clause; and declaring an emergency.

S.B. 472, A bill to be entitled An Act relating to the importance of the Gulf Intracoastal Waterway, and providing for the administration by the State of Texas of non-federal sponsorship requirements to the future maintenance and improvement of the waterway; and declaring an emergency.

All necessary rules suspended, and the House concurred in Senate amendments to House Bill 1137 by a non-record vote.

S.B. 247, A bill to be entitled An Act amending Title 3, Family Code, etc.; and declaring an emergency. (With amendments)

S.B. 559, A bill to be entitled An Act providing an emergency appropriation to the State Board of Education; setting a limit on expenditures; and declaring an emergency. (The motion to table subject to call prevailed by a non-record vote.)

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

SENATE BILL 931 ON SECOND READING

On motion of Senator Traeger and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 931, A bill to be entitled An Act relating to certain unauthorized uses of food stamp coupons and of authorizations to purchase food stamp coupons; providing penalties; amending The Public Welfare Act of 1941 (Article 695c, Vernon's Texas Civil Statutes), by adding Section 7-B; and declaring an emergency.

The bill was read second time and was passed to engrossment.

SENATE BILL 931 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 931** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 22, Nays 0.

Yeas: Adams, Aikin, Braecklein, Brooks, Doggett, Gammage, Hance, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Ogg, Patman, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent: Andujar, Clower, Creighton, Harrington, Harris, Moore and Santiesteban.

Absent-excused: Farabee and McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 22, Nays 0.

Yeas: Adams, Aikin, Braecklein, Brooks, Doggett, Gammage, Hance, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Ogg, Patman, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent: Andujar, Clower, Creighton, Harrington, Harris, Moore and Santiesteban.

Absent-excused: Farabee and McKnight.

SENATE BILL 734 ON THIRD READING

On motion of Senator Longoria and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final passage:

S.B. 734, A bill to be entitled An Act to authorize municipalities to implement community development programs; declaring the objectives of certain activities undertaken to implement community development programs to be public purposes; etc.; and declaring an emergency.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Sherman and Patman asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 418 ON SECOND READING

Senator Ogg moved to suspend the regular order of business to take up for consideration at this time:

S.B. 418, A bill to be entitled An Act providing for the election of delegates to the county and senatorial district convention of parties holding primary elections through election at the general primary election; amending the Texas Election Code as follows: amending Section 212, as amended (Article 13.34, Vernon's Texas Election Code); Section 61c, as amended (Article 6.05c); Section 187, as amended (Article 13.09); Subdivision 3, Section 182, as amended (Article 13.04); Subdivision 17, Section 37, as amended (Article 5.05); repealing Section 212a (Article 13.34a); and declaring an emergency.

The motion prevailed by the following vote: Yeas 17, Nays 6.

Yeas: Adams, Aikin, Braecklein, Hance, Jones, Kothmann, Lombardino, Longoria, McKinnon, Meier, Ogg, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Brooks, Doggett, Gammage, Mauzy, Mengden and Patman.

Absent: Andujar, Clower, Creighton, Harrington, Harris and Moore.

Absent-excused: Farabee and McKnight.

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

Senator Ogg offered the following Committee Amendment to the bill:

Amend Section 1 of S.B. 418 by adding a new Subsection (i) to read as follows:

"(i) Any political party may, by a resolution adopted by a two-thirds affirmative vote cast at a meeting of that party's state executive committee, elect and declare that the party will not proceed under the provisions of this Act." and renumbering the remaining section accordingly.

The Committee Amendment was read and was adopted by the following vote: Yeas 16, Nays 13.

Yeas: Adams, Aikin, Andujar, Creighton, Hance, Jones, Lombardino, Longoria, McKinnon, Meier, Moore, Ogg, Sherman, Snelson, Traeger and Williams.

Nays: Braecklein, Brooks, Clower, Doggett, Gammage, Harrington, Harris, Kothmann, Mauzy, Mengden, Patman, Santiesteban and Schwartz.

Absent-excused: Farabee and McKnight.

Senator Ogg offered the following Committee Amendment to the bill:

Amend S.B. 418 by adding on line 53, page 2, the following: "the Precinct is entitled), the delegates from".

The Committee Amendment was read and was adopted.

Senator Mauzy offered the following amendment to the bill:

Amend S.B. 418 by striking all below the enacting clause and substituting the following:

"Section 1. Subsections (a) and (b), Section 212, Texas Election Code, as amended (Article 13.34, Vernon's Texas Election Code), are amended to read as follows:

"(a) On the first Saturday after the general primary election day in each election year, there shall be held in each county a county convention of each party holding primary elections; provided, however, that except as provided in the last sentence of this subsection, whenever the territory of a county forms all or part of more than one state senatorial district, in lieu of the county convention in such county there shall be held on the day stated above a convention (hereinafter called senatorial district convention) in each part of the county constituting all or part of each of such senatorial districts. Delegates to the county conventions and senatorial district conventions shall be elected by the qualified members of the party in each election precinct at precinct conventions held on the general primary election day. In a presidential election year, the number of delegates to be elected in each precinct is based on the number of votes cast in the

precinct for the party's candidate for Governor at the last preceding general election, and in a non-presidential election year the number of delegates is based on the number of votes cast in the precinct for the party's candidate for President at the last preceding general election. Each precinct is entitled to elect one delegate for each 25 such votes or major fraction thereof; or if the number of such votes was less than 25, the precinct is entitled to elect one delegate. [Each county convention or senatorial district convention shall be composed of one delegate from each election precinct in such county or senatorial district or part thereof for each twenty five votes, or major fraction thereof, cast for the party's candidate for Governor in such precinct at the last preceding general election, which delegate or delegates shall be elected by the qualified members of the party in each precinct at precinct conventions to be held on the general primary election day. In case at the preceding general election there were cast for such candidate for Governor less than twenty five votes in any precinct, then all such precincts shall elect one delegate.] Where the boundaries of an election precinct have been changed or a new precinct formed since the last general election, the county executive committee shall allocate to each such precinct the number of delegates to be elected in that precinct, and may use any fair and reasonable method for making the allocation. However, notwithstanding the provisions of this subsection, in any county which forms all or part of two senatorial districts, the less populous of which has a population of less than 50,000 persons, according to the last preceding federal census, there shall be held one county convention in lieu of the two senatorial district conventions which would otherwise be required by this subsection.

"(b) At the meeting of the state executive committee provided for in Section 190 of this code, the committee shall set the ratio for the selection of delegates to the state conventions of that party for that election year. [c] In a presidential election year, the [which] ratio shall be one delegate for not less than each 300 [three hundred] votes and not more than each 600 [six hundred] votes cast for the party's candidate for Governor at the last preceding general election in the territory represented at the county convention or senatorial district convention [in each county or in each part of a county forming all or part of a state senatorial district]; and in a non-presidential election year, the ratio shall be one delegate for not less than each 300 votes and not more than each 600 votes cast in the represented territory for the party's candidate for President at the last preceding general election. The [and the] state chairman shall notify the county chairman of each county and the temporary chairman of each senatorial district convention of the ratio set for that year's conventions within 10 [ten] days after the date of such meeting. Each county convention or senatorial district convention shall elect one delegate for each such number of votes, or major fraction thereof, as set by the state committee; or if the number of votes cast was less than the number set by the state committee, then the convention shall elect one delegate. [If at the preceding general election there were cast for the party's candidate for Governor in the territory represented at the convention less than the number set by the state committee, then the convention shall elect one delegate.] In the state conventions each county or each part of a county which holds a senatorial district convention shall be entitled to one vote for each delegate which it is entitled to elect.

"The delegates so elected shall be delegates for all state conventions held throughout the remainder of the year and such of them as may attend such state conventions shall cast the votes for the territory which they represent in such conventions.

"Sec. 2. Subdivision 17, Section 37, Texas Election Code, as amended (Article 5.05, Vernon's Texas Election Code), is amended to read as follows:

"Subdivision 17. Allocation of absentee votes for determining precinct representation in county and senatorial district conventions. The county clerk shall preserve on file in his office for a period of two years a copy of the precinct lists of absentee voters and of persons voting a limited ballot under Section 37c of this code prepared in accordance with Subdivision 11 of this section and Section 37d of this

code, for each biennial general election for state and county officers. For the purpose of computing the number of delegates to which each election precinct is entitled in the county convention or senatorial district convention of a political party whose conventions are governed by Section 212 of this code, there shall be added to the number of votes cast for the party's candidate for Governor or President, whichever is applicable, at the last preceding general election, as shown on the election return for that precinct, a percentage of the votes cast by residents of that precinct by absentee ballot and limited ballot, using the number of voters shown on the aforesaid precinct lists as the basis of allocation, which percentage shall be the same as the percentage which the party's candidate for Governor or President received of the total votes cast for Governor or President ~~cast~~ at the precinct polling place, as shown on the return for that precinct. The number of voters shown on the precinct lists of voters who voted or applied for absentee ballots and limited ballots shall be used as the basis of allocation under this subdivision, even though that number may be greater than the number of votes which those voters actually cast for Governor or President. [If the total number of votes actually counted by the absentee canvassing board differs from the number of votes shown on the precinct lists, the number on the precinct lists nevertheless shall be used as the basis of allocation under this subdivision.]

"Sec. 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended."

The amendment was read.

(Senator Sherman in the Chair)

Senator Ogg moved to table the amendment.

The motion to table prevailed by the following vote: Yeas 16, Nays 13.

Yeas: Adams, Aikin, Creighton, Hance, Jones, Lombardino, Longoria, McKinnon, Meier, Moore, Ogg, Santiesteban, Sherman, Snelson, Traeger and Williams.

Nays: Andujar, Bracklein, Brooks, Clower, Doggett, Gammage, Harrington, Harris, Kothmann, Mauzy, Mengden, Patman and Schwartz.

Absent-excused: Farabee and McKnight.

Senator Doggett offered the following amendment to the bill:

Amend S.B. 418 by deleting Sections 2 and 3.

The amendment was read.

Senator Ogg moved to table the amendment.

The motion to table prevailed by the following vote: Yeas 16, Nays 13.

Yeas: Adams, Aikin, Creighton, Hance, Jones, Lombardino, Longoria, McKinnon, Meier, Moore, Ogg, Santiesteban, Sherman, Snelson, Traeger and Williams.

Nays: Andujar, Braecklein, Brooks, Clower, Doggett, Gammage, Harrington, Harris, Kothmann, Mauzy, Mengden, Patman and Schwartz.

Absent-excused: Farabee and McKnight.

Senator Patman offered the following amendment to the bill:

Amend **S.B. 418** by striking Section 4 thereof and renumbering the succeeding sections.

The amendment was read and was adopted.

Senator Patman offered the following amendment to the bill:

Amend **S.B. 418** by striking lines 14 through 28 of page 7 of the printed copy thereof.

The amendment was read.

Pending discussion by Senator Patman of the amendment, Senator Ogg raised the Point of Order that Senator Patman was not confining his remarks to the subject of the amendment.

The Presiding Officer sustained the Point of Order and stated this was a First Warning.

Senator Ogg moved to table the amendment.

The motion to table prevailed by the following vote: Yeas 16, Nays 12.

Yeas: Adams, Aikin, Andujar, Creighton, Hance, Jones, Lombardino, Longoria, Meier, Moore, Ogg, Santiesteban, Sherman, Snelson, Traeger and Williams.

Nays: Braecklein, Brooks, Clower, Doggett, Gammage, Harrington, Harris, Kothmann, Mauzy, Mengden, Patman and Schwartz.

Absent: McKinnon.

Absent-excused: Farabee and McKnight.

Senator Brooks offered the following amendment to the bill:

Amend **S.B. 418** by striking Subsections (c) and (d) of Section 1 of the bill.

The amendment was read.

(President in the Chair)

Senator Adams moved the Previous Question on the adoption of the pending amendment and the passage of the bill to engrossment and the motion was duly seconded by Senators Snelson, Aikin, Traeger, Longoria, Ogg, Meier and Jones.

The Previous Question was ordered by the following vote: Yeas 17, Nays 11.

Yeas: Adams, Aikin, Andujar, Creighton, Hance, Jones, Lombardino, Longoria, McKinnon, Meier, Moore, Ogg, Santiesteban, Sherman, Snelson, Traeger and Williams.

Nays: Braecklein, Brooks, Clower, Doggett, Gammage, Harrington, Kothmann, Mauzy, Mengden, Patman and Schwartz.

Absent: Harris.

Absent-excused: Farabee and McKnight.

Question on adoption of the pending amendment, the amendment failed of adoption by the following vote: Yeas, 13, Nays 15.

Yeas: Andujar, Braecklein, Brooks, Clower, Doggett, Gammage, Harrington, Kothmann, Mauzy, Mengden, Patman, Schwartz and Williams.

Nays: Adams, Aikin, Creighton, Hance, Jones, Lombardino, Longoria, McKinnon, Meier, Moore, Ogg, Santiesteban, Sherman, Snelson and Traeger.

Absent: Harris.

Absent-excused: Farabee and McKnight.

On motion of Senator Ogg and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by the following vote: Yeas 16, Nays 13.

Yeas: Adams, Aikin, Creighton, Hance, Jones, Lombardino, Longoria, McKinnon, Meier, Moore, Ogg, Santiesteban, Sherman, Snelson, Traeger and Williams.

Nays: Andujar, Braecklein, Brooks, Clower, Doggett, Gammage, Harrington, Harris, Kothmann, Mauzy, Mengden, Patman and Schwartz.

Absent-excused: Farabee and McKnight.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committees indicated:

H.B. 431, To Committee on State Affairs.

H.B. 1580, To Committee on Intergovernmental Relations.

H.B. 299, To Committee on State Affairs.

H.B. 1925, To Committee on Economic Development.

H.B. 1535, To Committee on Finance.

H.B. 114, To Committee on Natural Resources.

H.B. 115, To Committee on Natural Resources.

H.B. 475, To Committee on State Affairs.

RESOLUTION SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled resolution:

H.C.R. 138**COMMITTEE SUBSTITUTE SENATE BILL 621 ON SECOND READING**

On motion of Senator Schwartz and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 621, A bill to be entitled An Act amending Chapter 58, Acts of the 58th Legislature, 1963, as amended (Article 978f-3a, Vernon's Texas Penal Auxiliary Laws), by adding a new section directing the Parks and Wildlife Commission and the Parks and Wildlife Department to carry out a program of artificial reef building and use of existing reefs and buoys; and declaring an emergency.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 621 ON THIRD READING

Senator Schwartz moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 621** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: Farabee and McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

SENATE BILL 199 ON SECOND READING

The President laid before the Senate as unfinished business S.B. 199. (The bill having been read second time today.)

Senator Clower offered the following amendment to the bill:

Amend **S.B. 199** by striking all below the enacting clause and substituting the following:

"ARTICLE 1

"Section 1. The constitutional office of Criminal District Attorney of Ellis County is created.

"Sec. 2. It shall be the duty of the criminal district attorney, or his assistants, to be in attendance on each term and all sessions of the district courts of Ellis County and

all sessions and terms of the inferior courts of Ellis County held for the transaction of criminal matters, and to represent the State of Texas in all criminal matters pending before those courts and perform such other duties as may be conferred by law on the district and county attorneys in the various counties and judicial districts of this state.

"Sec. 3. The criminal district attorney shall possess the qualifications and take the oath and give bond required by the constitution and laws of this state of other district attorneys.

"Sec. 4. Ellis County shall receive annually from the state an amount equal to the compensation paid by the state to district attorneys. Such compensation shall be paid into the salary fund of Ellis County in 12 equal monthly installments. The Criminal District Attorney of Ellis County shall receive as his compensation an amount at least equal to the sum paid into the county by the state under the provisions of this Act, and such additional amount which the Commissioners Court of Ellis County in its discretion fixes as adequate compensation for the criminal district attorney.

"Sec. 5. (a) On the effective date of this Act, the County Attorney of Ellis County shall be commissioned as the Criminal District Attorney of Ellis County. He shall fill the office of criminal district attorney until the general election in 1976 and until his successor is lawfully elected and has qualified.

"(b) At the general election in 1976 there shall be elected by the qualified electors of Ellis County a Criminal District Attorney of Ellis County for the remainder of the constitutional term of office expiring on December 31, 1978. At the general election in 1978 and every four years thereafter, this officer shall be elected for a regular four-year term.

"(c) Any vacancy occurring in the office of Criminal District Attorney of Ellis County after the office is filled initially by the County Attorney of Ellis County, as provided in Subsection (a) of this section, shall be filled by appointment by the governor, and the appointee shall hold office until the next general election and until his successor is elected and has qualified.

"Sec. 6. The office of County Attorney of Ellis County is abolished from and after the effective date of this Act.

"ARTICLE 2

"Section 1. The constitutional office of Criminal District Attorney of Falls County is created.

"Sec. 2. It shall be the duty of the criminal district attorney, or his assistants, to be in attendance on each term and all sessions of the district courts of Falls County and all sessions and terms of the inferior courts of Falls County held for the transaction of criminal matters, and to represent the State of Texas in all criminal matters pending before those courts and perform such other duties as may be conferred by law on the district and county attorneys in the various counties and judicial districts of this state.

"Sec. 3. The criminal district attorney shall possess the qualifications and take the oath and give bond required by the constitution and laws of this state of other district attorneys.

"Sec. 4. Falls County shall receive annually from the state an amount equal to the compensation paid by the state to district attorneys. Such compensation shall be paid into the salary fund of Falls County in 12 equal monthly installments. The Criminal District Attorney of Falls County shall receive as his compensation an amount at least equal to the sum paid into the county by the state under the provisions of this Act, and such additional amount which the Commissioners Court of Falls County in its discretion fixes as adequate compensation for the criminal district attorney.

"Sec. 5. (a) On the effective date of this Act, the County Attorney of Falls County shall be commissioned as the Criminal District Attorney of Falls County. He shall fill the office of criminal district attorney until the general election in 1976 and until his successor is lawfully elected and has qualified.

"(b) At the general election in 1976 there shall be elected by the qualified electors of Falls County a Criminal District Attorney of Falls County for the remainder of the constitutional term of office expiring on December 31, 1978. At the general election in 1978 and every four years thereafter, this officer shall be elected for a regular four-year term.

"(c) Any vacancy occurring in the office of Criminal District Attorney of Falls County after the office is filled initially by the County Attorney of Falls County, as provided in Subsection (a) of this section, shall be filled by appointment by the governor, and the appointee shall hold office until the next general election and until his successor is elected and has qualified.

"Sec. 6. The office of County Attorney of Falls County is abolished from and after the effective date of this Act.

"ARTICLE 3

"Section 1. The constitutional office of Criminal District Attorney of Freestone County is created.

"Sec. 2. It shall be the duty of the criminal district attorney, or his assistants; to be in attendance on each term and all sessions of the district courts of Freestone County and all sessions and terms of the inferior courts of Freestone County held for the transaction of criminal matters, and to represent the State of Texas in all criminal matters pending before those courts and perform such other duties as may be conferred by law on the district and county attorneys in the various counties and judicial districts of this state.

"Sec. 3. The criminal district attorney shall possess the qualifications and take the oath and give bond required by the constitution and laws of this state of other district attorneys.

"Sec. 4. Freestone County shall receive annually from the state an amount equal to the compensation paid by the state to district attorneys. Such compensation shall be paid into the salary fund of Freestone County in 12 equal monthly installments. The Criminal District Attorney of Freestone County shall receive as his compensation an amount at least equal to the sum paid into the county by the state under the provisions of this Act, and such additional amount which the Commissioners Court of Freestone County in its discretion fixes as adequate compensation for the criminal district attorney.

"Sec. 5. (a) On the effective date of this Act, the County Attorney of Freestone County shall be commissioned as the Criminal District Attorney of Freestone County. He shall fill the office of criminal district attorney until the general election in 1976 and until his successor is lawfully elected and has qualified.

"(b) At the general election in 1976 there shall be elected by the qualified electors of Freestone County a Criminal District Attorney of Freestone County for the remainder of the constitutional term of office expiring on December 31, 1978. At the general election in 1978 and every four years thereafter, this officer shall be elected for a regular four-year term.

"(c) Any vacancy occurring in the office of Criminal District Attorney of Freestone County after the office is filled initially by the County Attorney of Freestone County, as provided in Subsection (a) of this section, shall be filled by appointment by the governor, and the appointee shall hold office until the next general election and until his successor is elected and has qualified.

"Sec. 6. The office of County Attorney of Freestone County is abolished from and after the effective date of this Act.

"ARTICLE 4

"Section 1. The constitutional office of Criminal District Attorney of Robertson County is created.

"Sec. 2. It shall be the duty of the criminal district attorney, or his assistants, to be in attendance on each term and all sessions of the district courts of Robertson County and all sessions and terms of the inferior courts of Robertson County held for

the transaction of criminal matters, and to represent the State of Texas in all criminal matters pending before those courts and perform such other duties as may be conferred by law on the district and county attorneys in the various counties and judicial districts of this state.

"Sec. 3. The criminal district attorney shall possess the qualifications and take the oath and give bond required by the constitution and laws of this state of other district attorneys.

"Sec. 4. Robertson County shall receive annually from the state an amount equal to the compensation paid by the state to district attorneys. Such compensation shall be paid into the salary fund of Robertson County in 12 equal monthly installments. The Criminal District Attorney of Robertson County shall receive as his compensation an amount at least equal to the sum paid into the county by the state under the provisions of this Act, and such additional amount which the Commissioners Court of Robertson County in its discretion fixes as adequate compensation for the criminal district attorney.

"Sec. 5. (a) On the effective date of this Act, the County Attorney of Robertson County shall be commissioned as the Criminal District Attorney of Robertson County. He shall fill the office of criminal district attorney until the general election in 1976 and until his successor is lawfully elected and has qualified.

"(b) At the general election in 1976 there shall be elected by the qualified electors of Robertson County a Criminal District Attorney of Robertson County for the remainder of the constitutional term of office expiring on December 31, 1978. At the general election in 1978 and every four years thereafter, this officer shall be elected for a regular four-year term.

"(c) Any vacancy occurring in the office of Criminal District Attorney of Robertson County after the office is filled initially by the County Attorney of Robertson County, as provided in Subsection (a) of this section, shall be filled by appointment by the governor, and the appointee shall hold office until the next general election and until his successor is elected and has qualified.

"Sec. 6. The office of County Attorney of Robertson County is abolished from and after the effective date of this Act.

"ARTICLE 5

"Section 1. The constitutional office of Criminal District Attorney of Limestone County is created.

"Sec. 2. It shall be the duty of the criminal district attorney, or his assistants, to be in attendance on each term and all sessions of the district courts of Limestone County and all sessions and terms of the inferior courts of Limestone County held for the transaction of criminal matters, and to represent the State of Texas in all criminal matters pending before those courts and perform such other duties as may be conferred by law on the district and county attorneys in the various counties and judicial districts of this state.

"Sec. 3. The criminal district attorney shall possess the qualifications and take the oath and give bond required by the constitution and laws of this state of other district attorneys.

"Sec. 4. Limestone County shall receive annually from the state an amount equal to the compensation paid by the state to district attorneys as authorized by Article V, Section 21, of the Texas Constitution. Such compensation shall be paid into the salary fund of Limestone County in 12 equal monthly installments. The Criminal District Attorney of Limestone County shall receive as his compensation an amount at least equal to the sum paid into the county by the state under the provisions of this Act, and such additional amount which the Commissioners Court of Limestone County in its discretion fixes as adequate compensation for the criminal district attorney.

"Sec. 5. (a) On the effective date of this Act, the County Attorney of Limestone County shall be commissioned as the Criminal District Attorney of Limestone County. He shall fill the office of criminal district attorney until the general

election in 1976 and until his successor is lawfully elected and has qualified.

"(b) At the general election in 1976 there shall be elected by the qualified electors of Limestone County a Criminal District Attorney of Limestone County for the remainder of the constitutional term of office expiring on December 31, 1978. At the general election in 1978 and every four years thereafter, this officer shall be elected for a regular four-year term as provided in Article V, Section 30, and Article XVI, Section 65, of the Texas Constitution.

"(c) Any vacancy occurring in the office of Criminal District Attorney of Limestone County after the office filled initially by the County Attorney of Limestone County, as provided in Subsection (a) of this section, shall be filled by appointment by the governor, and the appointee shall hold office until the next general election and until his successor is elected and has qualified.

"Sec. 6. The office of County Attorney of Limestone County is abolished from and after the effective date of this Act.

"ARTICLE 6

"Section 1. (a) The constitutional office of Criminal District Attorney of Rusk County is created.

"(b) The criminal district attorney shall possess the qualifications, take the oath, and give the bond required by the constitution and laws of this state of district attorneys.

"Sec. 2. (a) The criminal district attorney, or his assistants, shall be in attendance on each term and all sessions of any district court in Rusk County held for the transaction of criminal business and in attendance on each term and all sessions of the inferior courts of Rusk County held for the transaction of criminal business, except the city court of an incorporated city. The criminal district attorney or his assistants shall exclusively represent the State of Texas in all criminal matters before such courts and shall represent Rusk County in all matters before such courts or any other court where Rusk County has pending business of any kind, matter, or interest. However, nothing in this Act shall be construed as preventing Rusk County from retaining other legal counsel in civil matters at any time it sees fit to do so.

"(b) The criminal district attorney shall have and exercise, in addition to the specific powers given and duties imposed on him and his assistants by this Act, all powers, duties, and privileges within Rusk County conferred on district attorneys and county attorneys in the various counties and judicial districts of this state relative to criminal and civil matters for and in behalf of the county and State of Texas.

"(c) The criminal district attorney shall collect such fees, commissions, and perquisites as are provided by law for similar services rendered by district and county attorneys of this state.

"Sec. 3. The Criminal District Attorney of Rusk County shall receive as compensation an annual salary, payable in 12 equal monthly installments, from the State of Texas in such amount as may be fixed by the general laws of this state relating to the salary to be paid to the district attorneys of this state. In addition, the Rusk County Commissioners Court may, in its discretion, supplement the salary paid by the state. The sum paid by the county, if any, shall be paid out of the officers salary fund of the county, if adequate, and if inadequate, the commissioners court shall transfer the necessary funds from the general fund of the county to the officers salary fund.

"Sec. 4. The Criminal District Attorney of Rusk County, for the purpose of conducting the affairs of his office, may appoint a staff composed of assistant criminal district attorneys, investigators, stenographers, clerks, and other personnel as the Commissioners Court of Rusk County may authorize. All salaries of assistant criminal district attorneys, investigators, stenographers, clerks, and other personnel shall be an amount set by the criminal district attorney with the approval of the commissioners court and shall be paid by the commissioners court in equal monthly installments from the officers salary fund of Rusk County, if adequate, and if inadequate, the commissioners court shall transfer the necessary funds from the general fund of the

county to the officers salary fund. In addition to the salary provided the criminal district attorney, his assistants, investigators, stenographers, clerks, and other personnel, the Commissioners Court of Rusk County may allow the criminal district attorney, his assistants, and investigators such necessary expenses as the commissioners court deems reasonable. The expenses shall be paid as provided by law for other such claims of expenses.

"Sec. 5. An assistant criminal district attorney appointed under the provisions of this Act shall take the constitutional oath of office, shall be a person licensed to practice law in this state, and may perform any duty devolving on the criminal district attorney of Rusk County.

"Sec. 6. The office of County Attorney of Rusk County is abolished from and after the effective date of this Act.

"Sec. 7. (a) On the effective date of this Act, the governor shall appoint a criminal district attorney for Rusk County, who shall hold office until the general election in 1976 and until his successor is duly elected and has qualified.

"(b) At the general election in 1976 there shall be elected by the qualified electors of Rusk County a Criminal District Attorney of Rusk County for the remainder of the constitutional term of office expiring on December 31, 1978. At the general election in 1978 and every four years thereafter, there shall be elected a Criminal District Attorney of Rusk County for the full constitutional term of four years.

"(c) Any vacancy occurring in the office of Criminal District Attorney of Rusk County shall be filled by appointment by the governor, and the appointee shall hold office until the next general election and until his successor is elected and has qualified.

"ARTICLE 7

"Section 1. The constitutional office of Criminal District Attorney of Terry County is created.

"Sec. 2. It is the duty of the Criminal District Attorney of Terry County, or his assistants, to be in attendance on each term and all sessions of the district courts in Terry County and all sessions and terms of the inferior courts of Terry County held for the transaction of criminal business, and exclusively to represent the State of Texas in all criminal matters pending before those courts and perform such other duties as may be conferred by law on the district and county attorneys in the various counties and judicial districts of this state. He shall collect such fees, commissions, and perquisites as are provided by law for similar services rendered by district and county attorneys of this state.

"Sec. 3. The criminal district attorney shall possess the qualifications, take the oath, and give the bond required by the constitution and laws of this state of district attorneys.

"Sec. 4. The Criminal District Attorney of Terry County shall be commissioned by the governor and shall be compensated for his services by the state in such manner and in such amount as may be fixed by the general law relating to the salary to be paid to district attorneys by the state. The commissioners court may pay the criminal district attorney any compensation it deems advisable.

"Sec. 5. The office of County Attorney of Terry County is abolished from and after the effective date of this Act.

"Sec. 6. (a) On the effective date of this Act, the governor shall appoint a criminal district attorney for Terry County, who shall hold office until the general election in 1976 and until his successor is duly elected and has qualified. At the general election in 1976, there shall be elected a criminal district attorney for Terry County for a term ending on December 31, 1978. At the general election in 1978 and every four years thereafter, this officer shall be elected for a regular four-year term as provided in Article V, Section 30, and Article XVI, Section 65, of the Texas Constitution.

"(b) A vacancy occurring in the office of the Criminal District Attorney of Terry County shall be filled by the Commissioners Court of Terry County, and the

appointee shall hold office until the next general election and until his successor is elected and has qualified.

"Sec. 7. (a) On the effective date of this Act, the District Attorney of the 121st Judicial District of Texas shall only represent the State of Texas in the counties of Cochran, Hockley, and Yoakum, and the appointment and compensation of assistants, investigators, and stenographers for the District Attorney of the 121st Judicial District shall be determined and paid by the counties of Cochran, Hockley, and Yoakum.

"The provisions of this Article shall not affect the office of district attorney or the duties and powers of the district attorney in the counties of Cochran, Hockley, and Yoakum, and the District Attorney of the 121st Judicial District shall continue to perform his duties in the counties of Cochran, Hockley, and Yoakum. This Article applies only to Terry County. From the effective date of this Act, the duties of the District Attorney of the 121st Judicial District in Terry County are divested from him and invested in the Criminal District Attorney of Terry County, who shall represent the state in all district courts having jurisdiction in Terry County.

"(b) From and after the effective date of this Act, the District Attorney of the 121st Judicial District shall only stand for election and be elected from the counties of Cochran, Hockley, and Yoakum. The present district attorney of the 121st Judicial District shall continue in office as the district attorney in the counties of Cochran, Hockley, and Yoakum until the general election in 1976 and until his successor is elected and has qualified.

"ARTICLE 8

"Section 1. The constitutional office of Criminal District Attorney of Lamar County is created.

"Sec. 2. The criminal district attorney, or his assistants, shall be in attendance on each term and all sessions of the district courts of Lamar County and all sessions and terms of the inferior courts of Lamar County held for the transaction of criminal matters, and shall represent the State of Texas in all criminal matters pending before those courts, and shall have all powers and duties conferred by general law on the district and county attorneys in the various counties and judicial districts of this state.

"Sec. 3. The criminal district attorney shall possess the qualifications and take the oath and give bond required by the constitution and laws of this state of other district attorneys.

"Sec. 4. The criminal district attorney shall be compensated for his services by the state in such manner and amount as may be fixed by the general law relating to the salary to be paid to district attorneys by the state, and in addition his salary may be supplemented by the commissioners court in such amount as it deems advisable.

"Sec. 5. (a) On the effective date of this Act, the governor shall appoint a criminal district attorney for Lamar County, who shall hold office until the general election in 1976 and until his successor is duly elected and has qualified. At the general election in 1976, there shall be elected a criminal district attorney for Lamar County for a term ending on December 31, 1978. At the general election in 1978 and every four years thereafter, this officer shall be elected for a regular four-year term as provided in Article V, Section 30, and Article XVI, Section 65, of the Texas Constitution.

"(b) Any vacancy occurring in the office of the Criminal District Attorney of Lamar County shall be filled by appointment by the governor, and the appointee shall hold office until the next general election and until his successor is elected and has qualified.

"Sec. 6. The office of County Attorney of Lamar County is abolished from and after the effective date of this Act.

"ARTICLE 9

"Section 1. The constitutional office of Criminal District Attorney of Fannin County is created.

"Sec. 2. The criminal district attorney, or his assistants, shall be in attendance on each term and all sessions of the district courts of Fannin County and all sessions

and terms of the inferior courts of Fannin County held for the transaction of criminal matters, and shall represent the State of Texas in all criminal matters pending before those courts, and shall have all powers and duties conferred by general law on the district and county attorneys in the various counties and judicial districts of this state.

"Sec. 3. The criminal district attorney shall possess the qualifications and take the oath and give bond required by the constitution and laws of this state of other district attorneys.

"Sec. 4. The criminal district attorney shall be compensated for his services by the state in such manner and amount as may be fixed by the general law relating to the salary to be paid to district attorneys by the state, and in addition his salary may be supplemented by the commissioners court in such amount as it deems advisable.

"Sec. 5. (a) On the effective date of this Act, the governor shall appoint a criminal district attorney for Fannin County, who shall hold office until the general election in 1976 and until his successor is duly elected and has qualified. At the general election in 1976, there shall be elected a criminal district attorney for Fannin County for a term ending on December 31, 1978. At the general election in 1978 and every four years thereafter, this officer shall be elected for a regular four-year term as provided in Article V, Section 30, and Article XVI, Section 65, of the Texas Constitution.

"(b) Any vacancy occurring in the office of the Criminal District Attorney of Fannin County shall be filled by appointment by the governor, and the appointee shall hold office until the next general election and until his successor is elected and has qualified.

"Sec. 6. The office of County Attorney of Fannin County is abolished from and after the effective date of this Act.

"ARTICLE 10

"Section 1. The constitutional office of Criminal District Attorney of Red River County is created.

"Sec. 2. The criminal district attorney, or his assistants, shall be in attendance on each term and all sessions of the district courts of Red River County and all sessions and terms of the inferior courts of Red River County held for the transaction of criminal matters, and shall represent the State of Texas in all criminal matters pending before those courts, and shall have all powers and duties conferred by general law on the district and county attorneys in the various counties and judicial districts of this state.

"Sec. 3. The criminal district attorney shall possess the qualifications and take the oath and give bond required by the constitution and laws of this state of other district attorneys.

"Sec. 4. The criminal district attorney shall be compensated for his services by the state in such manner and amount as may be fixed by the general law relating to the salary to be paid to district attorneys by the state, and in addition his salary may be supplemented by the commissioners court in such amount as it deems advisable.

"Sec. 5. (a) On the effective date of this Act, the governor shall appoint a criminal district attorney for Red River County, who shall hold office until the general election in 1976 and until his successor is duly elected and has qualified. At the general election in 1976, there shall be elected a criminal district attorney for Red River County for a term ending on December 31, 1978. At the general election in 1978 and every four years thereafter, this officer shall be elected for a regular four-year term as provided in Article V, Section 30, and Article XVI, Section 65, of the Texas Constitution.

"(b) Any vacancy occurring in the office of the Criminal District Attorney of Red River County shall be filled by appointment by the governor, and the appointee shall hold office until the next general election and until his successor is elected and has qualified.

"Sec. 6. The office of County Attorney of Red River County is abolished from and after the effective date of this Act.

"ARTICLE 11

"Section 1. The constitutional office of Criminal District Attorney of Fort Bend County is created.

"Sec. 2. The criminal district attorney, or his assistants, shall be in attendance on each term and all sessions of any district court in Fort Bend County. The criminal district attorney and his assistants shall represent the state in criminal and civil cases, unless otherwise provided by law, pending in the district courts and inferior courts having jurisdiction in Fort Bend County. He shall have and exercise, in addition to the specific powers given and duties imposed on him and his assistants by this Act, all powers, duties, and privileges within Fort Bend County conferred on district attorneys and county attorneys in the various counties and judicial districts of this state relative to criminal and civil matters for and in behalf of the county and the State of Texas.

"Sec. 3. The criminal district attorney shall possess the qualifications, take the oath, and give the bond required by the constitution and laws of this state of district attorneys.

"Sec. 4. The criminal district attorney shall appoint two assistant criminal district attorneys and other assistants necessary to the proper performance of his official duties, with the approval of the commissioners court. The assistants shall be paid a salary to be set and approved by the commissioners court and paid out of the general fund of the county. The assistants are subject to removal at the will of the criminal district attorney and are authorized to perform any duty conferred by law on the criminal district attorney.

"Sec. 5. The criminal district attorney may appoint stenographers, who may or may not possess the qualifications prescribed by law for district and county attorneys, who shall perform the necessary stenographic work assigned by the criminal district attorney, and who shall receive as compensation a salary set by the commissioners court payable out of the county funds. The stenographers are subject to removal at the will of the criminal district attorney.

"Sec. 6. Fort Bend County is authorized to set aside each year a sum of money to be expended by the criminal district attorney in the preparation and conduct of criminal affairs of the office.

"Sec. 7. The criminal district attorney shall be compensated for his services by the state in such manner and amount as may be fixed by the general law relating to the salary to be paid to district attorneys by the state, and in addition his salary may be supplemented by the commissioners court in such amount as it deems advisable.

"Sec. 8. The office of County Attorney of Fort Bend County is abolished from and after the effective date of this Act.

"Sec. 9. (a) On the effective date of this Act, the governor shall appoint a criminal district attorney for Fort Bend County, who shall hold office until the general election in 1976 and until his successor is duly elected and has qualified. At the general election in 1976, there shall be elected a criminal district attorney for Fort Bend County for a term ending on December 31, 1978. At the general election in 1978 and every four years thereafter, this officer shall be elected for a regular four-year term as provided in Article V, Section 30, and Article XVI, Section 65, of the Texas Constitution.

"(b) Any vacancy occurring in the office of the Criminal District Attorney of Fort Bend County shall be filled by the Commissioners Court of Fort Bend County, and the appointee shall hold office until the next general election and until his successor is elected and has qualified.

"Sec. 10. (a) On the effective date of this Act, the District Attorney of the 23rd Judicial District of Texas shall only represent the State of Texas in the counties of Wharton and Matagorda.

"The provisions of this Article shall not affect the office of district attorney or the duties and powers of the district attorney in the counties of Wharton and Matagorda, and the District Attorney of the 23rd Judicial District shall continue to

perform his duties in the counties of Wharton and Matagorda. This Article applies only to Fort Bend County. From the effective date of this Act, the duties of the District Attorney of the 23rd Judicial District in Fort Bend County are divested from him and invested in the Criminal District Attorney of Fort Bend County, who shall represent the state in all district courts having jurisdiction in Fort Bend County.

"(b) From and after the effective date of this Act, the District Attorney of the 23rd Judicial District shall only stand for election and be elected from the counties of Wharton and Matagorda. The present district attorney of the 23rd Judicial District shall continue in office as the district attorney in the counties of Wharton and Matagorda until the general election in 1976 and until his successor is elected and has qualified.

"ARTICLE 12

"Section 1. Section 4, Chapter 124, Acts of the 54th Legislature, Regular Session, 1955, as amended (Article 326k-28, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 4. The Criminal District Attorney of Galveston County shall be commissioned by the Governor and shall be compensated for his services by the State in such manner and in such amount as may be fixed by the general law relating to the salary to be paid to district attorneys by the State. The Commissioners Court may pay the Criminal District Attorney any compensation it deems advisable and shall pay the Criminal District Attorney sufficient compensation to insure that his total compensation is not less than the total compensation received by the Criminal District Attorney on the effective date of this Act. ~~receive that salary and compensation from the State of Texas as provided in the statutes and Constitution of the State of Texas and such additional sum to be paid out of the general fund of Galveston County as will bring the total salary, including the salary provided in the Constitution and statutes to an amount not less than the amount paid district judges from the General Revenue Fund of the State of Texas, but in no event to an amount more than the total salary, including supplements, paid any district judge in and for Galveston County. If the officers' salary fund of Galveston County is inadequate, the commissioners court shall transfer the necessary funds from the general fund of the county to the officers' salary fund.]~~

"ARTICLE 13

"Section 1. Section 4, Chapter 118, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 326k-23, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 4. The Criminal District Attorney of Brazoria County, Texas, shall be commissioned by the Governor and shall be compensated for his services by the State in such manner and in such amount as may be fixed by the general law relating to the salary to be paid to district attorneys by the State. The Commissioners Court may pay the Criminal District Attorney any compensation it deems advisable and shall pay the Criminal District Attorney sufficient compensation to insure that his total compensation is not less than the total compensation received by the Criminal District Attorney on the effective date of this Act. ~~receive as salary and compensation the following: a salary of Five Hundred (\$500) Dollars from the State of Texas for the salary of District Attorneys, and a sum of not less than Seventeen Thousand Five Hundred (\$17,500) Dollars and not more than Eighteen Thousand Five Hundred (\$18,500) Dollars a year to be paid out of the Officers' Salary Fund of Brazoria County, if adequate; if inadequate the Commissioners Court shall transfer the necessary funds from the General Fund of the County to the Officers' Salary Fund. The effective date of this Section is January 1, 1972.]~~

"ARTICLE 14

"Section 1. Section 4, Chapter 398, Acts of the 60th Legislature, Regular Session, 1967 (Article 326k-59, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 4. The criminal district attorney shall receive as compensation an annual salary from the State of Texas in such amount as may be fixed by the general laws of this state relating to the salary to be paid to the district attorneys of this state. In addition, the commissioners court may, in its discretion, supplement the salary paid by the state. The sum paid by the county shall be ~~in a salary not to exceed \$14,000 per year, to be fixed by the commissioners court and~~ paid out of the officers' salary fund of Victoria County, if adequate; if inadequate, the commissioners court shall transfer the necessary funds from the general fund of the county to the officers' salary fund.

"Sec. 2. Section 1, Chapter 396, Acts of the 63rd Legislature, Regular Session, 1973 (Article 332b, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1. Denton County, Randall County, Collin County, Grayson County, ~~[Victoria County,]~~ Gregg County, and Orange County, in all of which counties there is either the office of criminal district attorney or the office of county attorney performing the duties of a district attorney, shall receive annually from the state an amount equal to the compensation paid by the state to district attorneys as authorized by Article V, Section 21, Constitution of Texas. Such compensation shall be paid into the salary fund of each county in 12 equal monthly installments.

"ARTICLE 15

"Section 1. The effective date of this Act is September 1, 1975.

"ARTICLE 16

"Section 1. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after September 1, 1975, and it is so enacted."

The amendment was read.

Senator Gammage offered the following amendment to the amendment:

Amend Senate Bill 199, Article 11, by adding a new Subsection (c) under Section 9 to read as follows:

"(c) After January 1, 1977, the Criminal District Attorney of Fort Bend County and any assistant criminal district attorneys may not actively engage in the private practice of law within the court systems of Texas while serving as criminal district attorney or assistant criminal district attorney in and for Fort Bend County."

The amendment to the amendment was read and was adopted.

Senator Clower offered the following amendment to the amendment:

Amend Amendment No. 1 to S.B. 199 to renumber Articles 15 and 16 as Articles 19 and 20, respectively, and add Articles 15, 16, 17, and 18 to read as follows:

"ARTICLE 15

"Section 1. The Criminal District Attorney of Hidalgo County shall be commissioned by the governor and shall be compensated for his services by the state in such manner and in such amount as may be fixed by the general law relating to the salary to be paid to district attorneys by the state. The Commissioners Court of Hidalgo County may pay the criminal district attorney any compensation it deems advisable.

"Sec. 2. The official bond of the Criminal District Attorney of Hidalgo County shall be in the amount and conditioned as provided by law for district attorneys, shall be approved by any judge of a judicial district having limits coextensive with the limits of Hidalgo County, and shall be deposited in the office of the comptroller.

"Sec. 3. Section 2, Chapter 89, Acts of the 56th Legislature, Regular Session, 1959, as amended, is repealed.

"ARTICLE 16

"Section 1. Subsection (a), Section 4, Chapter 375, Acts of the 54th Legislature, Regular Session, 1955, as amended (Article 326k-33, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 4. (a) The Criminal District Attorney of Harrison County, Texas, shall be commissioned by the Governor and shall be compensated for his services by the state in such manner and in such amount as may be fixed by the general law relating to the salary to be paid to district attorneys by the state. The commissioners court may pay the criminal district attorney any compensation it deems advisable and shall pay the criminal district attorney an amount necessary to provide him a total salary from the county and the state of not less than \$16,000 per annum." ~~shall receive as salary and compensation the following, and no more: an annual sum of not more than Eighteen Thousand Dollars (\$18,000) to be paid out of the officers salary fund of Harrison County, if adequate; if inadequate the Commissioners Court shall transfer the necessary funds from the general fund of the County to the officers salary fund.]~~

"ARTICLE 17

"Section 1. Section 4, Chapter 53, Acts of the 51st Legislature, 1949, as amended (Article 1926-63, V.A.C.S.), is amended as follows:

"Sec. 4. (a) The Criminal District Attorney of Jefferson County shall be commissioned by the Governor and may receive as compensation a salary in an amount not more than the total salary, including all supplements, paid to the highest paid district judge in the district. The salary ~~is a salary of not more than Twenty five Thousand Dollars (\$25,000) per annum, as~~ shall be fixed by the Commissioners Court of Jefferson County, to be paid out of the Officer's Salary Fund of Jefferson County if adequate; if inadequate the Commissioners Court shall transfer necessary funds from the General Fund of the County to the Officer's Salary Fund.

"(b) Jefferson County shall receive annually from the State of Texas under the provisions of this Act, an amount equal to the amount paid district attorneys by the State of Texas, and shall be paid by the comptroller of public accounts as appropriated by the legislature in 12 equal installments. Such funds shall be paid into the salary fund of Jefferson County.

"(c) The Criminal District Attorney of Jefferson County shall not engage in the private practice of law in that he shall not appear and practice as an attorney at law in any court of record in this State except in behalf of the State of Texas or Jefferson County as herein provided.

"ARTICLE 18

"Section 1. The constitutional office of Criminal District Attorney of Castro County is created.

"Sec. 2. It is the duty of the Criminal District Attorney of Castro County or his assistants to be in attendance on each term and all sessions of the district courts in Castro County and all sessions and terms of the inferior courts of Castro County held for the transaction of criminal business, and exclusively to represent the State of Texas in all criminal matters pending before those courts and perform such other duties as may be conferred by law on the district and county attorneys in the various counties and judicial districts of the state. He shall collect such fees, commissions, and perquisites as are provided by law for similar services rendered by district and county attorneys of this state.

"Sec. 3. The criminal district attorney shall possess the qualifications, take the oath, and give the bond required by the constitution and laws of this state of district attorneys.

"Sec. 4. The Criminal District Attorney of Castro County shall be commissioned by the governor and shall be compensated for his services by the state in such manner and in such amount as may be fixed by the general law relating to the

salary to be paid to district attorneys by the state. The commissioners court may pay the criminal district attorney any compensation it deems advisable.

"Sec. 5. The office of County Attorney of Castro County is abolished from and after the effective date of this Act.

"Sec. 6. (a) On the effective date of this Act, the governor shall appoint a criminal district attorney for Castro County, who shall hold office until the general election in 1976 and until his successor is duly elected and has qualified. At the general election in 1976, there shall be elected a criminal district attorney for Castro County for a term ending on December 31, 1978. At the general election in 1978 and every four years thereafter, this officer shall be elected for a regular four-year term as provided in Article V, Section 30, and Article XVI, Section 65, of the Texas Constitution.

"(b) A vacancy occurring in the office of the Criminal District Attorney of Castro County shall be filled by the Commissioners Court of Castro County, and the appointee shall hold office until the next general election and until his successor is elected and has qualified.

"Sec. 7. (a) On the effective date of this Act the District Attorney of the 64th Judicial District of Texas shall only represent the State of Texas in the counties of Hale and Swisher, and the compensation of a stenographer for the district attorney shall be approved and paid by the commissioners courts of the counties of Hale and Swisher.

"The provisions of this Act shall not affect the office of district attorney or the duties and powers of the district attorney in the counties of Hale and Swisher, and the District Attorney of the 64th Judicial District shall continue to perform his duties in the counties of Hale and Swisher. This Act applies only to Castro County. From the effective date of this Act, the duties of the District Attorney of the 64th Judicial District in Castro County are divested from him and invested in the Criminal District Attorney of Castro County, who shall represent the state in all district courts having jurisdiction in Castro County.

"(b) From and after the effective date of this Act, the District Attorney of the 64th Judicial District shall only stand for election and be elected from the counties of Hale and Swisher. The present district attorney of the 64th Judicial District shall continue in office as the district attorney in the counties of Hale and Swisher until the general election in 1976 and until his successor is elected and has qualified."

The amendment to the amendment was read and was adopted.

The amendment as amended was then adopted.

Senator Clower offered the following amendment to the bill:

Amend **S.B. 199** by striking all above the enacting clause and substituting the following:

"A BILL TO BE ENTITLED

"AN ACT

"relating to the creation of the constitutional office of criminal district attorney in certain counties; abolishing the office of county attorney in each of those counties; conforming the jurisdiction of the district attorney for certain judicial districts; relating to the compensation of the criminal district attorney in certain counties; providing an effective date; amending Section 4, Chapter 124, Acts of the 54th Legislature, Regular Session, 1955, as amended (Article 326k-28, Vernon's Texas Civil Statutes); amending Section 4, Chapter 118, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 326k-23, Vernon's Texas Civil Statutes); amending Section 4, Chapter 398, Acts of the 60th Legislature, Regular Session, 1967 (Article 326k-59,

Vernon's Texas Civil Statutes); amending Section 1, Chapter 396, Acts of the 63rd Legislature, Regular Session, 1973 (Article 332b, Vernon's Texas Civil Statutes); and declaring an emergency."

The amendment was read and was adopted.

On motion of Senator Clower and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 199 ON THIRD READING

Senator Clower moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 199 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Gammage, Hance, Harrington, Harris, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Jones.

Absent-excused: Farabee and McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Gammage, Hance, Harrington, Harris, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Jones.

Absent-excused: Farabee and McKnight.

MOTION TO PLACE COMMITTEE SUBSTITUTE SENATE BILL 293 ON SECOND READING

Senator Mauzy asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 293, A bill to be entitled An Act relating to allowing a parent, a spouse, a child, and a dependent member of the decedent's household to recover damages for loss of pecuniary support or expectations, loss of society, companionship, mental anguish and bereavement, and certain other incidents of a relationship resulting from the wrongful death of a person in certain circumstances, and defining the substantive and procedural law applicable in deaths occurring in foreign states and

countries; amending Articles 4671, 4673, 4675, 4677, and 4678, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

There was objection.

Senator Mauzy then moved to suspend the regular order of business and take up C.S.S.B. 293 for consideration at this time.

The motion was lost by the following vote (Not receiving two-thirds vote of the Members present): Yeas 19, Nays 10.

Yeas: Adams, Aikin, Braecklein, Brooks, Clower, Doggett, Gammage, Hance, Harrington, Kothmann, Longoria, Mauzy, McKinnon, Meier, Mengden, Ogg, Santiesteban, Schwartz and Williams.

Nays: Andujar, Creighton, Harris, Jones, Lombardino, Moore, Patman, Sherman, Snclson and Traeger.

Absent-excused: Farabee and McKnight.

SENATE BILL 803 ON SECOND READING

On motion of Senator Schwartz and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 803, A bill to be entitled An Act amending Section 4; Subsection a, Section 6; Coastal Public Lands Management Act of 1973 (Article 5415e-1, Vernon's Texas Civil Statutes); and adding a new Section 6A; and declaring an emergency.

The bill was read second time.

Senator Schwartz offered the following amendment to the bill:

Amend **S.B. 803** by striking everything below the enacting clause and substituting in lieu thereof the following:

"Section 1. Section 4, Coastal Public Lands Management Act of 1973 (Article 5415e-1, Vernon's Texas Civil Statutes), are amended to read as follows:

"Section 4. As used in this Act, unless the context clearly requires otherwise:

"(a) 'Board' means the School Land Board.

"(b) 'Coastal area' refers to geographic area comprising all the counties of Texas having any tidewater shoreline including that portion of the bed and waters of the Gulf of Mexico within the jurisdiction of the State of Texas.

"(c) 'Coastal public lands' means all or any portion of state-owned submerged lands, the waters overlying those lands, and all state-owned islands, peninsulas, or portions of island and peninsulas in the coastal area.

"(d) 'Commissioner' means the Commissioner of the General Land Office.

"(e) 'Island' means any body of land surrounded by the waters of one or more of the following: a salt water lake, bay, inlet, estuary, inland body of water, or Gulf of Mexico within the tidewater limits of this state and shall include man-made islands resulting from dredging or other operations.

"(f) 'Management program' means the coastal public lands management program called for in this Act, and shall include, but is not limited to, a comprehensive statement in words, maps, illustrations, or other media inventorying coastal public land resources and capabilities, and setting forth objectives, policies, and standards to guide

planning and to control the utilization of those resources.

"(g) 'Person' means any individual, firm, partnership, association, corporation (public or private, profit or nonprofit), trust, or political subdivision or agency of the state.

"(h) 'Seaward' means the direction away from the shore and toward the body of water bounded by such shore.

"(i) 'Structure' means any structure, work, or improvement constructed upon, affixed to, or worked upon coastal public lands, including, but not limited to, fixed or floating piers, wharves, docks, jetties, groins, breakwaters, or artificial reefs, fences, posts, retaining walls, levees, ramps, cabins, houses, shelters, landfills, excavations, land canals, channels, and roads.

"(j) 'Submerged lands' means any land extending from the boundary between the lands of the state and littoral owners seaward to the low water mark on any salt water lake, bay, inlet, estuary, or inland water within the tidewater limits, and any land lying beneath such a body of water, including the Gulf of Mexico ~~[but shall, for the purpose of this Act only, exclude beaches bordering on, and the waters of, the open Gulf of Mexico, and the lands lying beneath such waters].~~

"(k) 'Littoral owner', for the purposes of this Act only, means the owner of any public or private upland bordered by or contiguous to coastal public lands.

"(l) 'Coastal wetland' means a marsh, swamp, or other wetland within the coastal area.

"Sec. 2. Subsection (a), Section 6, Coastal Public Lands Management Act of 1973 (Article 5415e-1, Vernon's Texas Civil Statutes), is amended to read as follows:

"(a) The board shall develop a continuing comprehensive coastal public lands management program pursuant to the policies set forth in Section 2 of this Act. The coastal public lands management program shall, in compliance with the Coastal Zone Management Act of 1972 (P.L. 92-583) include the following elements:

"(1) A continuous inventory of coastal public land and water resources, which shall include a determination of the extent and location of the coastal public lands and coastal wetlands;

"(2) A continuous analysis of the potential uses to which the coastal public lands and waters might be put, including recommendations as to which configurations of uses consonant with the policies of this Act maximize the benefits conferred upon the present and future citizens of Texas;

"(3) Guidelines on the priority of uses in coastal public lands within the coastal area, including specifically those uses of lowest priority;

"(4) A definition of the permissible uses of the coastal public lands and waters and definitions of the uses of adjacent areas which would have a significant adverse impact upon the management or use of coastal public lands or waters;

"(5) Recommendations as to increments of jurisdiction or authority necessary to protect coastal public lands and waters from adverse consequences flowing from the uses of adjacent lands;

"(6) An inventory of endangered environments and resources in the coastal public lands;

"(7) Recommendations for any changes necessary in the organizational structure by which the program is implemented and administered.

"Sec. 3. The Coastal Public Lands Management Act of 1973 (Article 5415e-1, Vernon's Texas Civil Statutes), is amended by adding a new Section 6A to read as follows:

"Section 6A. In accordance with the management plan required in Section 6, the board shall identify those coastal wetlands which the board finds to be vital to the natural resources of the coastal public lands.

"Sec. 4. Subsection (b), Section 7, Coastal Public Lands Management Act of 1973 (Article 5415e-1, Vernon's Texas Civil Statutes), is amended to read as follows:

“(b) The board may grant the following interests in coastal public lands for the indicated purposes:

- “(1) Leases for public purposes;
- “(2) Easement for purposes connected with ownership of littoral property;
- “(3) Permits authorizing limited continued use of heretofore unauthorized structures on coastal public lands, not connected with ownership of littoral property;
- “(4) Easements ~~[Channel easements]~~ to the holder of any surface or mineral interest in coastal public lands, for purposes necessary or appropriate to the use of such interests.

“Sec. 5. Subsection (a), Section 8, Coastal Public Lands Management Act of 1973 (Article 5415e-1, Vernon's Texas Civil Statutes), is amended to read as follows:

“(a) The board may lease coastal public lands:

- “(1) To the Parks and Wildlife Department, or to any eligible city or county, for public recreational purposes;
- “(2) To the Parks and Wildlife Department, for management of estuarine preserves, construction of artificial reefs, and for other related activities;
- “(3) To any nonprofit, tax-exempt environmental organization approved by the board for the purpose of managing a wildlife refuge;
- “(4) To any scientific or educational organization or institution for the purpose of conducting scientific research;

“Sec. 6. Subsection (a), Section 9, Coastal Public Lands Management Act of 1973 (Article 5415e-1, Vernon's Texas Civil Statutes), is amended to read as follows:

“(a) The board may grant easement rights to the owner of adjacent littoral property authorizing the placement or location of a structure on coastal public lands for purposes connected with the ownership of littoral property. The granting of an easement pursuant to this subsection, including the waiver in Paragraph (1) below, shall not be construed as recognition of a right existing in the littoral owner incident to the ownership of littoral property. Every such grant shall be subject to the following policies, provisions, and conditions, in addition to those generally applicable in this Act:

“(1) The owner of littoral property may construct a pier which is not for commercial purposes, which does not exceed 100 feet in length nor 25 feet in width, and which requires no filling or dredging, without obtaining an easement from the board; however, the location and dimensions of any structure ~~[pier]~~ must be registered with the board in a manner provided by the board ~~[in this Act]~~;

“(2) In the administration of this subsection, the board shall take into account the public policy of this state that the orderly use of privately owned littoral property in a manner consistent with the public policy of this state shall not be impaired.

“Sec. 7. Subsection (b), Section 10, Coastal Public Lands Management Act of 1973 (Article 5415e-1, Vernon's Texas Civil Statutes), is amended to read as follows:

“(b) Permits granted pursuant to this section shall be subject to the following policies, provisions, and conditions, in addition to those generally applicable in this Act:

“(1) The board may not grant any permit authorizing the continued use of any structure located within 1,000 feet of:

“(i) privately owned littoral property, without the written consent of the littoral owner;

“(ii) any federal or state wildlife sanctuary or refuge, without the approval of the appropriate manager of the refuge involved;

“(iii) any federal, state, county, or city park bordering on coastal public lands without the approval of the appropriate manager of the federal, state, or county park involved.

“(2) A permit authorizing continued use of an heretofore unauthorized structure on coastal public lands shall be deemed automatically revoked and terminated if the coastal public land where the structure is located is subsequently leased for public

purposes or exchanged for littoral property pursuant to this Act, or if such land is conveyed to a navigation district as provided by law.

"(3) Every permit shall provide that in the event the terms of the permit are broken, the permit may, at the option of the board, be terminated.

"(4) Such structures may be used only for ~~[noncommercial]~~ recreational purposes except as otherwise authorized by the board.

"(5) Permits may be issued for a period not to exceed five years and may be renewed at the discretion of the board.

"(6) The board may not grant any application for a permit which would be in violation of the public policy of this state as expressed in this Act, nor may it grant any permit for any structure not in existence on the effective date of this Act.

"(7) In the event a structure for which a permit has been issued is severely damaged or destroyed by any means, no major repairs or rebuilding may be undertaken by the permit holder without the approval of the board.

"Sec. 8. All laws and parts of laws in conflict with this Act are repealed.

"Sec. 9. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted."

The amendment was read and was adopted.

Senator Schwartz offered the following amendment to the bill:

Amend the caption of Senate Bill 803 to conform to the body of the bill.

The amendment was read and was adopted.

The bill as amended was passed to engrossment.

SENATE BILL 803 ON THIRD READING

Senator Schwartz moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 803 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 5.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Gammage, Harrington, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Creighton, Hance, Harris, Mengden and Moore.

Absent-excused: Farabee and McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

SENATE BILL ON FIRST READING

By unanimous consent the following bill was introduced, read first time and referred to the Committee indicated:

By Senator Traeger:

S.B. 1092, A bill to be entitled An Act relating to the open season for the taking of quail in McMullen County; amending Section 1, Chapter 183, Acts of the 51st Legislature, Regular Session, 1949, as amended; and declaring an emergency.

To Committee on Natural Resources.

NOTICES OF INTENT

The following Notices of Intent were filed with the Secretary of the Senate:

Friday, May 9, 1975

H.B. 42 - Senator Mauzy (Third reading)
C.S.H.B. 82 - Senator Mauzy (Third reading)
C.S.H.B. 552 - Senator Gammage
H.B. 732 - Senator Brooks
H.B. 2165 - Senator Sherman
C.S.S.B. 109 - Senator Mauzy
C.S.S.B. 110 - Senator Mauzy
C.S.S.B. 116 - Senator Mengden
C.S.S.B. 162 - Senator Harris
S.B. 172 - Senator Mengden
S.B. 196 - Senator Santiesteban (Third reading)
S.B. 200 - Senator Clower
S.B. 232 - Senator Mengden
C.S.S.B. 250 - Senator Mauzy
S.B. 257 - Senator Mauzy
C.S.S.B. 270 - Senator Doggett
C.S.S.B. 293 - Senator Mauzy
C.S.S.B. 339 - Senator Clower
S.B. 407 - Senator Doggett
S.B. 423 - Senator Harris
S.B. 430 - Senator Mengden
C.S.S.B. 448 - Senator Mauzy
S.B. 453 - Senator Jones
S.B. 494 - Senator Clower
S.B. 495 - Senator Clower
S.B. 496 - Senator Mauzy (Third reading)
S.B. 522 - Senator Santiesteban
C.S.S.B. 548 - Senator Brooks
S.B. 549 - Senator Schwartz
S.B. 580 - Senator Clower
S.B. 593 - Senator Gammage
C.S.S.B. 621 - Senator Schwartz
S.B. 628 - Senator Clower
S.B. 675 - Senator Gammage
C.S.S.B. 706 - Senator Mauzy
S.B. 708 - Senator Mauzy
S.B. 710 - Senator Mauzy (Third reading)

S.B. 711 - Senator Harris
S.B. 712 - Senator Harris
S.B. 719 - Senator Mauzy
S.B. 725 - Senator Patman
S.B. 779 - Senator Mengden
S.B. 781 - Senator Mengden
S.B. 803 - Senator Schwartz
S.B. 815 - Senator Gammage
S.B. 817 - Senator Gammage
S.B. 879 - Senator Patman
S.B. 893 - Senator Jones
S.B. 899 - Senator Mauzy
C.S.S.B. 939 - Senator Mauzy
C.S.S.B. 964 - Senator Aikin
C.S.S.B. 980 - Senator Mauzy
S.B. 1006 - Senator Clower
C.S.S.B. 1034 - Senator Mauzy
S.B. 1054 - Senator Schwartz
S.B. 1065 - Senator Patman
S.B. 1077 - Senator Moore
S.B. 1083 - Senator Patman

MEMORIAL RESOLUTIONS

S.R. 518 - By Senator Adams: Memorial resolution for William Henry Hanna.

S.R. 521 - By Senator Adams: Memorial resolution for Mrs. Woodie Winifred Richards.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 516 - By Senators Harrington, Kothmann, Lombardino and Traeger: Extending congratulations to Great Western Group.

S.R. 517 - By Senator Schwartz: Recommending to Citizens' Stamp Advisory Committee, United States Postal Service that the Galveston Courthouse be selected as a subject for a bicentennial commemorative stamp.

S.R. 519 - By Senator Clower: Extending congratulations to A. B. Taylor.

S.R. 520 - By Senator Clower: Extending congratulations to Mr. and Mrs. Jerry Stinson.

S.R. 522 - By Senators Schwartz and Aikin: Extending congratulations to James L. Tenney.

S.R. 523 - By Senator Schwartz: Extending welcome to Bay City High School students.

S.R. 524 - By Senator Schwartz: Extending welcome to Matthew Harris, Ms. Melanie Smith, Dennis Wagner and Dale Ward.

S.R. 525 - By Senator Doggett: Extending welcome to David Sweet.